

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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YURMAN STUDIO, INC. and YURMAN
DESIGN, INC.,

Plaintiffs/Counter-Defendants,

- against -

ELENA CASTANEDA and EJEWELER LLC
d/b/a OVERSTOCKJEWELER.COM,

Defendants/Counter-Plaintiffs.
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Civil Action No. 07-1241 (SAS)(HP)
(Action No. 1)

CARTIER, a division of RICHEMONT NORTH
AMERICA, INC., CARTIER INTERNATIONAL,
N.V., CARTIER CREATION STUDIO, S.A., VAN
CLEEF & ARPELS S.A., VAN CLEEF &
ARPELS, INC., VAN CLEEF & ARPELS
DISTRIBUTION, INC., GUCCI AMERICA, INC.,
and BULGARI S.p.A.,

Plaintiffs,

- against -

ELENA CASTANEDA and EJEWELER LLC
d/b/a OVERSTOCKJEWELER.COM,

Defendants.
----- X

Civil Action No. 07-7862 (SAS)(HP)
(Action No. 2)

**DECLARATION OF LOUIS S. EDERER, ESQ. IN OPPOSITION TO
DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

EXHIBIT B

ALICE LIMANTARA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COPY

-----x

YURMAN STUDIO, INC.,

Plaintiff/Counter-Defendant, Case No.

07-1241

- against -

(SAS/HP)

ELENA CASTANEDA and EJEWELER LLC d/b/a
OVERSTOCKJEWELER.COM,

Defendants/Counter-Plaintiffs,

- against -

YURMAN DESIGN, INC.,

Third-Party Defendant.

-----x

April 22, 2008

1:02 p.m.

399 Park Avenue

New York, New York

DEPOSITION of ALICE LIMANTARA

COURT REPORTER: Angela Moody

RAYVID REPORTING SERVICE, INC. (212) 599-3642

Rayvid Reporting Service
(212) 267-3877

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2 Q Where is P & K located?

3 A Broadway and 29th Street.

4 Q Do you have any main contacts at
5 P & K that you deal with when you go to P & K?

6 A No, I just go and meet the
7 salespeople there.

8 Q Do you know the names of any of the
9 salespeople there?

10 A The names? No. Normally I just,
11 like, see who is free and they help me.

12 Q Do you know someone by the name of
13 Mr. Dasani?

14 A No, I never heard of that.

15 Q Do you also purchase jewelry that's
16 subsequently sold on the Overstock Jeweler website
17 as being inspired by any of the Plaintiffs in this
18 action from Rich at 29?

19 A Rich at 29?

20 Q Correct.

21 A I bought from Rich at 29, not Rich
22 29. I don't know if it's the same thing.

23 Q So, there is a Rich at 29 --

24 A If you are saying Rich at 29, I
25 don't know if they are the same, but I bought from

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2 Rich 29, if they are the same thing.

3 Q So, with respect to Rich 29, have
4 you purchased any of the products that have
5 subsequently been sold on the Overstock Jeweler's
6 website as having been inspired by any of the
7 Plaintiffs in these actions?

8 A Yeah, yes, I'm sorry.

9 Q How about the same question with
10 respect to Silver Mine?

11 A Yes.

12 Q Where is Silver Mine located?

13 A I think it's 30th Street and
14 Broadway.

15 Q Do you have any contacts at Silver
16 Mine?

17 A Well, I don't ask the names. I just
18 go there and meet the salesgirl or whoever.

19 Q So, you don't know anyone's name at
20 Silver Mine; is that right?

21 A I mean, I know the name of the
22 owner, but he doesn't normally, like, help me. I
23 mean, the salesgirl is different than the owner.
24 I mean, I know the owner, but...

25 Q What's the name of the owner of

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2 Silver Mine?

3 A Jay, I think, J-A-Y.

4 Q Do you also purchase products that
5 you subsequently sell as being inspired by any of
6 the Plaintiffs in this action from Silver By
7 Fenix?

8 A Yes.

9 Q Where is that located?

10 A 29th and Broadway also.

11 Q Do you have any contacts there?

12 A There is this one girl before, but I
13 think she has left the company. Her name is, I
14 think it's Nora.

15 Q Do you know her last name?

16 A I never asked.

17 Q How about Silver Galore?

18 A Yes.

19 Q You purchased items that are sold on
20 the Overstock Jeweler's website inspired by any of
21 the Plaintiffs in this actions from Silver Galore;
22 is that correct?

23 A Yes.

24 Q Do you have any contacts at Silver
25 Galore?

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MR. ZARIN: Objection. Can you
define "contacts"?

Q Is there anyone you would regularly
deal with when you go to Silver Galore to purchase
the products you just referred to?

A I don't really ask the names of the
people in Silver Galore.

Q Where is Silver Galore located?

A It should be 30th and Broadway.

Q Do you purchase product that is
subsequently sold on Overstock Jeweler's website
as being inspired by any of the Plaintiffs in this
action from a supplier called Zanfeld?

A Zanfeld, yes.

Q Where is Zanfeld located?

A Mexico.

Q How do you go about purchasing
product from Zanfeld?

A We just e-mail him, like, what stuff
we need.

Q Do you personally e-mail him?

A I e-mail him, yes.

Q Did you do that from a work e-mail
address?

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A Yes.

Q What is your work e-mail address?

A Contact@overstockjeweler.com.

Q How do you convey to people at Zanfeld what products you would like to purchase?

A You mean for new items?

Q For any items. Is there a form you have to fill out?

A To buy, like, stock for our stock, I just e-mail him the item number, that's for the stuff we already have on the website. But they sometimes attend, like, jewelry shows. So, when they attend the show, I can go buy the new stuff.

Q Is the item number that you just referred to a Zanfeld item number?

A Yeah.

Q Does that item number appear in a catalog?

A Yeah, their catalog.

Q Is that item number the same item number that's used on the Overstock Jeweler website?

A Yeah.

MR. ZARIN: Are you asking whether

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2 it appeared in the Zanfeld catalog or the
3 Overstock Jeweler catalog?

4 MR. SALZMANN: Zanfeld Jeweler.

5 MR. ZARIN: Your answer was?

6 THE WITNESS: Yes.

7 Q Did you ever purchase from a
8 supplier that goes by the name of Barato, any of
9 the items that are subsequently sold on the
10 Overstock Jeweler website as being inspired by any
11 of the Plaintiffs in this action?

12 A Yes.

13 Q Where is Barato located?

14 A I think it was 29th Street and
15 Broadway.

16 Q Would you know the name of anybody
17 who works for Barato?

18 A No.

19 Q Have you ever purchased any jewelry
20 items that were subsequently sold on the Overstock
21 Jeweler website as being inspired by any of the
22 Plaintiffs in this action from an entity called
23 World Harbor?

24 A World Harbor, yes.

25 Q Where is World Harbor located?

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2 A I think it's 30th and Broadway.

3 Q Do you know the name of anybody who
4 works at World Harbor?

5 A World Harbor, Raymond.

6 Q Do you know Raymond's last name?

7 A No, I just know his first name.

8 Q When was the last time you purchased
9 any product from World Harbor?

10 A About a week ago, I think.

11 Q Have you ever purchased product
12 that's subsequently sold on the Overstock
13 Jeweler's website as being inspired by any of the
14 Plaintiffs in this action from an entity called
15 Indo Thai?

16 A Yes.

17 Q Where is Indo Thai located?

18 A Fifth Avenue and I think it's 31st
19 Street, either 30th, 31st Street.

20 Q Do you know the name of anybody who
21 works at Indo Thai?

22 A The name, no.

23 Q Have you ever purchased any jewelry
24 products that have subsequently been sold on the
25 Overstock Jeweler website as being inspired by any

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2 of the Plaintiffs in this action from Lauren G.
3 Adams?

4 A Yes.

5 Q Where is Lauren G. Adams located?

6 A They are in Florida.

7 Q Do you know the name of anybody who
8 works at Lauren G. Adams?

9 A No.

10 Q How do you submit orders to Lauren
11 G. Adams?

12 A From their website.

13 Q Do you use item numbers that appear
14 in any Lauren G. Adams catalog to submit those
15 orders?

16 A Yeah.

17 Q Did you have a copy of the Lauren G.
18 Adams catalog?

19 A No, it's on-line; only from the
20 website.

21 Q When was the last time you purchased
22 product from Lauren G. Adams?

23 A I think it was two months ago.

24 Q Have you ever purchased products
25 subsequently sold on Overstock Jeweler's website

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2 inspired by any of the Plaintiffs in this action
3 from an entity called 925 & Co.?

4 A Yes.

5 Q Where is that entity located?

6 A I think it's 35th Street and
7 Broadway.

8 Q Do you know the name of anybody that
9 works at 925 & Co.?

10 A Robert.

11 Q Is Robert someone that would help
12 you out when you go to order product at 925 & Co.?

13 A Yeah, sometimes.

14 Q Do you know Robert's last name?

15 A No.

16 Q Have you subsequently purchased
17 product as sold on the Overstock Jeweler website
18 as being inspired by any of the Plaintiffs in this
19 action from an entity called Best Silver?

20 A Yeah, Best Silver.

21 Q Where is Best Silver located?

22 A 30th and Broadway.

23 Q Do you know the name of anybody who
24 works for Best Silver?

25 A No.

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2 Q When was the last time you purchased
3 product from Best Silver?

4 A I don't remember exactly, but it was
5 a few months ago. It's been a long time.

6 Q Have you ever purchased product
7 that's subsequently been sold on the Overstock
8 Jeweler website as being inspired by any of the
9 Plaintiffs in this action from an entity known as
10 Sterling Forest?

11 A Sterling Forest, yes.

12 Q Where is Sterling Forest located?

13 A Between 31st Street and 30th Street
14 and Broadway.

15 Q Do you know the name of anyone who
16 works for Sterling Forest?

17 A No.

18 Q Have you ever purchased product
19 that's subsequently been sold on the Overstock
20 Jeweler website as being inspired by any of the
21 Plaintiffs in this action from an entity called
22 Silver Choice?

23 A Silver Choice, yes.

24 Q Where is Silver Choice located?

25 A 29th and Broadway.

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2 Q Do you know the name of anybody who
3 works for Silver Choice?

4 A No.

5 Q Have you ever purchased any product
6 subsequently sold on the Overstock Jeweler website
7 inspired by any of the Plaintiffs in this action
8 from a company called Time and Fashion?

9 A Time and Fashion, yes.

10 Q Where is Time and Fashion located?

11 A It's 31st Street and Broadway.

12 Q Do you know the name of anybody who
13 works for Time and Fashion?

14 A No.

15 Q When was the last time you purchased
16 product from Time and Fashion?

17 A I think it was two weeks ago.

18 Q Are there any other suppliers that
19 you deal with that we have not discussed?

20 A I think you got everyone there.

21 Q Okay. Other than Zanfeld and Lauren
22 G. Adams, do any of the suppliers have catalogs or
23 any other written materials that reflect the items
24 they sell?

25 MR. ZARIN: Objection. She never

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that you're purchasing infringes on the

3

intellectual property rights of the designer who

4

inspired the piece?

5

MR. ZARIN: Objection. That is

6

asking for a legal opinion.

7

Q You can answer it.

8

A Can you repeat the question?

9

Q Do you conduct any type of

10

investigation to determine if the inspired item

11

that you're purchasing from one of your suppliers

12

infringes on the intellectual property rights of

13

the designer who purportedly inspired the piece?

14

A No.

15

Q Have you ever asked any of your

16

suppliers if any of the products they sell

17

infringe on the intellectual property rights of

18

designers from whom they are inspired?

19

A No.

20

Q Do you believe that the inspired

21

items sold by Overstock Jeweler are of comparable

22

quality to the genuine items that inspired them?

23

A Sorry, I didn't understand.

24

Q Do you believe that the items that

25

are sold on the Overstock Jeweler website as being